

REMARKS

Claims 24 has been added based on the disclosure in the last paragraph on page 9 in the present application.

Entry of the above amendment is respectfully requested.

In addition to the arguments presented in the Amendment filed September 20, 2010, Applicants respectfully request that the Examiner also consider the following argument regarding Roulier.

As noted previously, while Roulier discloses compositions which can be rehydrated after immersion in water to reconstitute liquid or semi-liquid aqueous make-up formulations (col. 7, lines 48-50), amylopectin is water-insoluble, and therefore, a skilled artisan would not consider using a composition containing amylopectin to make the aqueous formulation in Roulier.

Thus, Applicants submit that one skilled in the art as of the filing date of the present invention would have had the understanding that amylopectin would be used for solid compositions but not for aqueous formulations.

Accordingly, Applicants submit that one would not have modified the invention of Roulier to employ multi-branched polysaccharides of Kakuchi as a substitute for amylopectin disclosed by Roulier. Also, Applicants submit that the superior results provided by the present invention by using multi-branched polysaccharides would not have been expected by one of ordinary skill in the art either.

In this regard, Applicants submit herewith an executed Rule 132 Declaration with experimental evidence to prove that amylopectin of Roulier cannot be substituted with multi-branched polysaccharides of Kakuchi in a liquid or lotion external preparation for skin as claimed by the present invention.

As described in the Declaration, amylopectin and multi-branched polysaccharides used in the present invention were added to water at 25°C, followed by sufficient stirring, so as to have a concentration of 10 mass% respectively. The results are shown in the photograph attached to the Declaration. While multi-branched polysaccharides were completely dissolved in water and resulted in a low viscosity aqueous solution, amylopectin was hardly soluble in water. After the solutions were heated to 100°C and cooled to 25°C, the solution of multi-branched polysaccharides remained unchanged, but the amylopectin solution became an opaque paste-like solution (with high viscosity).

The Declarant also provided comparative experimental data regarding locust bean gum, xanthan gum, sodium hyaluronate, carrageenan and guar gum in a previous Declaration. The comparison was able to be done since these substances are soluble in water. However, since amylopectin has different physical properties and is hardly soluble in water, no comparison could be done as a liquid material.

Accordingly, although Roulier states that amylopectin can be used, Applicants submit that a skilled artisan would understand that amylopectin having such properties cannot be applied to liquid or semi-liquid aqueous make-up formulations, but rather may be used as a solid composition. Therefore, even if the multi-branched polysaccharides of Kakuchi were to be substituted for amylopectin disclosed by Roulier, the usage of the multi-branched polysaccharides would be limited to a solid composition, and a skilled artisan would not have applied the multi-branched polysaccharides to a liquid or lotion external preparation for skin as claimed by the present invention.

Thus, Applicants submit that the present invention is not obvious over the cited art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: February 22, 2011